

Lakeside Business Improvement District

Meeting Agenda

Nov. 12, 2019

8 a.m.

Muskegon City Hall
933 Terrace, Muskegon, MI
Room 103

- 1) Call to Order
- 2) Consent Agenda
 - a) Approval of Agenda
 - b) Approval of Minutes from the meeting Sept. 9, 2019
- 3) Public Comment (on an agenda item)
- 4) New Business
 - a) Discussion of two open positions on the Lakeside BID board;
 - b) Update on Lakeshore Drive and expenditure of potential contractor penalties
 - c) Discussion on potential recommendation of a BID special assessment
 - d) Decision on 2020 meeting schedule with dates and times
- 5) Other Business
 - a) Downtown project and Midtown streetscape updates
 - b) Next meeting is scheduled for Friday October 25, 2019 at 8 a.m. in Muskegon City Hall, room 103
- 6) Adjournment

Lakeside Business Improvement District

Meeting Minutes

Sept. 9, 2019

Muskegon City Hall, 933 Terrace, Muskegon, MI at 8 AM

1) Call to Order: 8:15 PM

Attendance: Troy Wasserman, Frank Peterson and Mark Flermoen, Dick Ghezzi

Excused Absent(s): Blake Evans, Ann Funk and Michael Kordecki and.

Guests: Dave Alexander, city Business Development Manager and Barry Ghezzi, Lakeside commercial property owner

2) Election of chair

The meeting was called by Dave Alexander, Lakeside BID staff, for purposes of the Lakeside BID Board organization and election of officer. Mark F. nominated Frank Peterson as chair and supported by Dick G. Frank P. nominated Mark Flermoen as vice chair and supported by Dick G. No other nominations were made. A motion to elect chair and vice chair was made.

Vote: All in favor

3) Consent agenda:

A. Approval of Agenda

Moved by: Troy W.

Supported by: Mark F.

Vote: All in favor

4) Public Comment

The Lakeside BID board allowed public comment on agenda items as they were discussed by the BID board members.

5) New Business

A. Acceptance of Ann Funk's resignation.

The BID Board received a letter of resignation from member Ann Funk as she said she will be unable to fulfill the requirements of the board. The board consensus was to ask the Muskegon City Commission to appoint Kathy Fearnley of the Lakeshore Credit

Union as Ann F.'s replacement. A motion to accept the resignation and nominate Kathy F. for Muskegon City Commission appointment.

Moved by: Troy W.

Supported by: Mark F.

Vote: All in favor

B. Adoption of Lakeside BID District By-laws

Dave A. presented a draft of district by-laws based upon the Downtown BID. The draft calls for a seven member board and the board moved to increase the number of board members to nine as allowed by state law.

Moved by: Troy W.

Supported by: Mark F.

Vote: All in favor

C. Nomination of two new members of the BID board

With two positions open, the board came to the consensus to nominate Barry Ghezzi, a Lakeside commercial property owner, and Allen Serio of Wonderland Distillery. A motion to request the City Commission to appoint Barry G. and Allen S.

Moved by: Mark F.

Supported by: Troy W.

Vote: All in favor

D. Review of special assessments and future of the BID

The Lakeside BID is in no position to suggest a special assessment to the Muskegon City Commission for 2020 but would need to have the multi-step process approved by the Muskegon City Commission by Oct. 31, 2020 for a 2021 and beyond assessment. That process, if supported by the property owners and the BID board, would include establishing the details of specific properties to be included, assessment rate, assessment duration, budget and work plan. The BID had a general discussion with no conclusion. There was also discussion of how to fund landscaping and snow removal services for 2020 and how the BID can be a bridge to a Corridor Improvement Authority, a tax increment financing district.

E. Future meetings.

The BID board decided to have every other month meetings on the second Tuesday at 8 a.m. in Muskegon City Hall. The next meeting is **November 12, 2019 at 8 a.m.** at Muskegon City Hall, 933 Terrace.

Bylaws

Of

The Muskegon Lakeside Business Improvement District

Adopted Sept. 9, 2019

Purpose

The Muskegon Lakeside Business Improvement District was created to provide enhanced services in the Lakeside Business District through marketing activities, common area maintenance such as snow removal and beautification. The intention in the BID's creation was to provide a "funding bridge" to a newly created Lakeside Corridor Improvement District and eventually have the BID expire as the CIA becomes able to fund the activities of the BID.

Article 1

Property Classifications

Class "A" Properties

Properties located within Muskegon Lakeside Business Improvement District which are currently used for, or zoned for commercial, office, retail or other similar activities not listed below.

Class "B" Properties

Properties located within the Muskegon Lakeside Business Improvement District which are currently use for, or zoned for industrial, automotive or public utility.

Class "C" Properties

Properties located within the Muskegon Lakeside Business Improvement District which are currently used for nonprofit or religious activities

Class "D" Properties

Properties located within the Muskegon Lakeside Business Improvement District which are currently used for, or zoned for educational or governmental activities.

Note: Under current law of the state of Michigan, properties zoned for or exclusively used for residential within a Business Improvement District are exempt from special assessments.

Article 2

Governing Board

Section 2.1 – Composition

The Muskegon Lakeside Business Improvement District Board shall consist of nine (9) members. Board composition shall be consistent with the State of Michigan enabling legislation, Act No. 120 of the Public Acts of 1961. Statute allows for between seven (7) and fifteen (15) members. Board membership may be increased or decreased by a recommendation of the BID Board at the first quarterly annual meeting in January with the new board composition taking effect the following January 1.

Section 2.2 – Board Terms

Each board member will be appointed to a three (3) year term with no more than half of board seats expiring in one year. For the initial board, board members will draw lots to determine what members will serve one (1), two (2) and three (3) year teams. Board terms end on December 31 of the expiring year. The first year term for inaugural board members will expire on December 31, 2016 following the first full year of service.

Section 2.3 – Board Openings

Nominees for annual openings shall be indorsed by the Muskegon Lakeside Business Improvement District board at its fall quarterly meeting and then sent to the Muskegon City Commission for formal appointment with terms beginning at the end of each January.

Section 2.4 – Regular Openings

Individuals seeking nomination/appointment to the board should complete an application of interest through the city of Muskegon's Talent Bank. If more individuals express interest in open positions than there are positions the Muskegon Lakeside Business Improvement District will make a final recommendation to the city commission with a majority vote.

Section 2.5 – Vacancies, Resignations and Removals

Vacancies which occur between fall quarterly meetings shall be filled by appointment via a recommendation of the Muskegon Lakeside Business Improvement District Board to the Muskegon City Commission.

Section 2.6 – Compensation

Muskegon Lakeside Business Improvement District Board members shall not receive any compensation for their services.

Article 3

Officers

Section 3.1 – Appointment of Chair and Vice-Chair

The Muskegon Lakeside Business Improvement District Board shall annually select one of its members to serve as Chair and Vice-Chair.

The Chair shall preside at all meetings.

The Vice-Chair shall act in the capacity of the Chair in the absence of the Chair. In the event of a vacancy in the office of Chair, the Vice-Chair will assume the office of Chair and the Muskegon Lakeside Business Improvement District Board shall select a successor to the office of Vice-Chair at the earliest practical time.

Section 3.2 – Secretary

The Muskegon Lakeside Business Improvement District Board shall designate a qualified member or members of city of Muskegon staff to serve as secretary or co-secretaries of the Muskegon Lakeside Business Improvement District Board. The Secretary shall file a detailed record of all proceedings of the board and as manager take all other action as necessary for the proper and expeditious execution of all board actions. The Muskegon Lakeside Business Improvement District Board may pay a reasonable administrative fee to the city for such secretarial/managerial services.

Section 3.4 – Treasurer

The Muskegon Lakeside Business Improvement District Board will not have a designated treasurer but appoints the city of Muskegon Finance Department to handle all accounting and financial management needs of the Muskegon Lakeshore Business Improvement District.

Article 4

Meetings

Section 4.1 – Open Meetings Act

All meeting of the Muskegon Lakeside Business Improvement District Board shall be conducted at a public meeting held in compliance with the Michigan Open Meetings Act, Act No. 267 of the Public Acts of 1976. Any property owner or business owner located within the Muskegon Lakeside Business Improvement District shall be given the opportunity to be heard.

Section 4.2 – Meetings Held

The Muskegon Lakeside Business Improvement District Board shall meet a minimum of once per quarter. Additional meetings may be called between standing meetings with no less than 48 hours notice or special meetings with no less than 18 hours notice per the state's Opening Meetings Act.

Standing quarterly meeting should cover:

- 1st Quarterly Meeting – Annual report/selection of chair & Vice-chair
- 2nd Quarterly Meeting – Discussion of following year's services
- 3rd Quarterly Meeting – Discussion of assessment based on recommended services
- 4th Quarterly Meeting – Recommendation of Assessment & recommendation of new board members.

Section 4.3 – Notice of Meetings

Notices of all meetings (regularly scheduled and special) shall be posted per the state's Opening Meetings Act on the City of Muskegon's website and the appropriate Lakeside Business District website.

Section 4.4 – Amending Bylaws

The Muskegon Lakeside Business Improvement District Bylaws may be amended by a simple majority vote of the board.

Article 5

Administration

Section 5.1 - Records

All records of the Muskegon Lakeside Business Improvement District board are available to the public in compliance with the Michigan Freedom of Information Act. Meeting agendas, board packets, meeting minutes and annual financials shall be posted district's city website page.

Section 5.2 – Annual Meeting

Once the Muskegon Lakeside Business Improvement District is operating through a special assessment, the board will schedule a public annual meeting to present the current and future budget of the Muskegon Lakeside Improvement District, discussion of future needs and directions and allow the public to ask questions and provide input.



Lakeside business owners and property owners:

The Lakeside Business Improvement District has been established by the Muskegon City Commission and an initial board appointed. There are two open positions on the new nine-member BID board, which is seeking nominees to recommend to the Muskegon City Commission for appointment.

The Lakeside BID has the ability to request and manage a special assessment of commercial properties in the district to cover the cost of specific Lakeside needs with the new streetscape such as snow removal, landscaping, promotion and events. A Lakeside BID special assessment will not be instituted for 2020 and could be instituted for 2021 and beyond with a recommendation of the BID board and approval of the City Commission.

The Lakeside BID board will meet **Tuesday Nov. 12 at 8 a.m.** in Muskegon City Hall. A main agenda item will be a recommendation of two new BID board members to be forwarded to the City Commission. The City Commission earlier this month filled a BID board vacancy of the initial seven members but left the two new positions vacant in hopes of finding nominees of a diverse background to represent the district and the city.

If you or someone you know would be a good representative on the BID board, please forward those names to the BID board through Vice Chairman Mark Flermoen by **Nov 8**. You can email him at mflerm7492@hotmail.com. Nominees must be commercial property owners or business owners along Lakeshore Drive from Robinson Street to Clifford Street.

If you have any questions concerning the Lakeside BID and board appointments, you can contact Dave Alexander, city of Muskegon business development manager. Dave's email is dalexander@downtownmuskegon.org or call him at 231-215-8827.

Thanks for your support and work in taking the Lakeside Business District to new heights.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Flermoen".

Mark Flermoen

Vice Chairman

Lakeside Business Improvement District

Commission Meeting Date: Aug. 13, 2019

Date: Aug. 13, 2019
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Lakeside Business Improvement District (BID)
initial resolution

SUMMARY OF REQUEST: We are requesting the attached resolution be adopted establishing a Business Improvement District for the Lakeside commercial district along Lakeshore Drive from 1595 Lakeshore (Wasserman's Flowers) to 2801 Lakeshore (Muskegon County Club). The boundaries are outlined in the attached map as the district are those commercial properties with frontage on Lakeshore Drive. It is also requested that the commission establish an initial Lakeside BID board with the following recommended individuals as offered by the Lakeside District Association:

Troy Wasserman – Wasserman's Flowers, 1595 Lakeshore
Richard Ghezzi – Ghezzi's Market, 2017 Lakeshore
Mark Flermoen – VF Ventures, 1845 Lakeshore
Michael Kordecki – Marine Tap Room, 1983 Lakeshore
~~Ann Funk – Auto Body Clinic, 2054 Lakeshore~~
Blake Evans – Water's Edge Fitness, 2465 Lakeshore
City Manager (by statute) – City of Muskegon

FINANCIAL IMPACT: The city can anticipate receiving approximately 15 percent of the proceeds that would be an administrative fee for staff support if the BID is established and the BID board concurs.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To adopt the resolution as presented.

WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: October 8, 2019	Title: Community Relations Committee Recommendations
Submitted By: Ann Marie Meisch	Department: Clerk
Brief Summary: To accept the resignations and appointments as follows: resignations of Ann Funk from the Lakeside Business Improvement District and Larry Boersma from the Farmers Market Advisory Board. Appointments of Samantha Ferguson to the CDBG/Citizen's District Council and Kathy Fearnley to the Lakeside Business Improvement District.	
Amount Requested: N/A	Amount Budgeted: N/A
Fund(s) or Account(s): N/A	Fund(s) or Account(s): N/A
Recommended Motion: To concur with the recommendations of the Community Relations Committee and approve the resignations and appointments.	
For City Clerk Use Only:	
Commission Action:	